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**WO 03/072196 A1**

(54) Title: LOWER ESOPHAGUS TISSUE MODIFIER

(57) Abstract: The present invention provides a method of modifying the lower esophagus by injecting biocompatible particles in a biocompatible carrier into a submucosal tissue site of the lower esophagus of a patient. The method may be used to treat gastroesophageal reflux disease by optimizing the closing function of the lower esophageal sphincter.

## LOWER ESOPHAGUS TISSUE MODIFIER

### Background

5 Gastroesophageal reflux disease, or GERD, is a medical condition caused by the repeated backup or regurgitation of food and digestive fluid from the stomach into the esophagus. The most common symptoms suggestive of GERD are heartburn or acid indigestion. GERD can damage esophageal tissues, raising the risk of serious problems such as cancer of the esophagus. It is estimated that ten percent of Americans suffer from GERD on a daily basis.

10 GERD occurs when a small ring of muscles called the lower esophageal sphincter ("LES") do not function properly. For example, at rest, the LES may maintain a high-pressure zone between 10 and 30 mm Hg above intragastric pressure. However, some patients suffering from GERD have an LES closing pressure of only 5 mm Hg. A weak or malfunctioning LES allows acidic  
15 stomach contents to back up into the esophagus. As the stomach contents flow back into the esophagus, the lining of the esophagus becomes irritated, creating a burning feeling in the chest. Left untreated, GERD can lead to frequent heartburn, difficulty swallowing, coughing, hoarseness, and more serious complications, such as narrowing of the esophagus, bleeding and a pre-cancerous  
20 condition called Barrett's esophagus.

There are a variety of treatments for GERD. The most common treatment involves lifestyle changes. For example, smoking, drinking, obesity, overeating, and diets high in fat and coffee all increase the chances of contracting GERD. There are also a wide variety of drugs that treat the symptoms associated with  
25 GERD. For example, antacids neutralize excess acid in the stomach to reduce irritation of the esophagus. H-2 receptor blockers reduce the amount of digestive acid that the body produces. An example of a relatively new class of drugs are Proton Pump Inhibitors that reduce acid production by affecting the final pathway of gastric acid secretion. Another class of drugs are Prokinetic agents,  
30 which treat GERD by shortening the digestion time and tightening the pressure that the LES places on the esophagus. Unfortunately, many of these drugs come

with side effects, including nausea, constipation, diarrhea, cramps and potentially harmful interactions with other medications. Further, most of these medications do not treat the underlying cause of GERD, a malfunctioning LES.

Although the above treatments may be successful for some patients, surgery may be considered if relief is not obtained. The aim of surgery is often to restore the function of the LES to close during digestion. One example of a surgical procedure is laparoscopic fundoplication. After expanding the abdomen with gas, a surgeon inserts a laparoscope through an incision. Attached is a small camera that projects an internal image onto a monitor. Using this image, the surgeon reinforces the LES by wrapping the upper portion of the stomach around the lower portion of the esophagus.

An alternative to surgery has recently gained recognition, in which the submucosal layer of the lower esophagus is augmented with one of a variety of implant materials, including polytetrafluoro-ethylene (PTFE) pastes and collagen gels. For example, Rupp, "Endoscopic Antireflux Techniques," reports GERD treatments in which PTFE, collagen and hylan gel were injected into the submucosal layer of the lower esophagus. Shafik, "Intraesophageal Polytetef Injection for the Treatment of Reflux Esophagitis" and "Tissue Reaction to PTFE Pastes - A Review of the Literature," also report GERD treatments in which PTFE was injected into submucosal lower esophageal tissue sites. However, Rupp, Shafik and the Literature review report problems with PTFE pastes, including migration from the injection site and granuloma response at injection and migration sites. Thus, there is a need in the art for a method of augmenting submucosal tissue sites of the lower esophagus using PTFE-free particulate matter.

### Summary of the Invention

In one embodiment, the present invention provides a method of modifying the lower esophagus by injecting biocompatible PTFE-free particles suspended in a biocompatible carrier into a lower esophagus submucosal tissue

site. The particles may be injected at one or more submucosal tissue sites in the vicinity of the lower esophageal sphincter.

In another embodiment, the present invention provides a method of modifying the lower esophagus by injecting biocompatible particles having an  
5 average transverse cross-sectional dimension greater than 100 microns suspended in a biocompatible carrier into a lower esophagus submucosal tissue site. The particles may be injected at one or more submucosal tissue sites in the vicinity of the lower esophageal sphincter.

In a further embodiment, the present invention provides a method for  
10 treating gastroesophageal reflux disease, or GERD. A tissue modifier composed of biocompatible PTFE-free particles suspended in a biocompatible carrier is injected into a submucosal tissue site of a patient's lower esophagus. The tissue site may be adjacent to, or in the vicinity of, the lower esophageal sphincter, or LES. Once injected, the particles may modify or bulk the esophagus to improve,  
15 enhance or optimize the functionality or competency of the LES. For example, the injected modifier may elevate the LES closing pressure to above about 15 mm HG, more particularly to between about 20 mm and 30 mm Hg.

The present invention possesses performance characteristics not apparent with other GERD treatments. For example, unlike common drug treatments, the  
20 method of the present invention may avoid drug side effects and drug interactions. Further, the method of injecting the modifier is less invasive and/or traumatic than surgical methods such as fundoplication. Further yet, the modifier is injected into the submucosal layer of the esophagus, which may provide better results than injections into the muscular layers of the esophagus. Still further, the  
25 PTFE-free embodiments of the present invention may be more biocompatible than the PTFE pastes traditionally used in submucosal injections.

#### Detailed Description of the Invention

The present invention provides a method of modifying the lower  
30 esophagus by injecting a modifier into a submucosal tissue site of the lower

esophagus. The injectable modifier includes biocompatible PTFE-free particles and a biocompatible carrier. The present invention may be used to treat gastroesophageal reflux disease, or GERD.

The esophagus is a muscular, collapsible tube that lies behind the trachea.

5 The esophagus is about 23 to 25 cm long and begins at the end of the laryngopharynx, passes through the vertebral column, pierces the diaphragm and terminates in the superior portion of the stomach. During the esophageal stage of swallowing, food is pushed through the esophagus by involuntary muscular movements called peristalsis. Just above the level of the diaphragm, the  
10 esophagus is slightly narrowed. This narrowing has been attributed to a physiological sphincter in the inferior part of the esophagus known as the lower esophageal sphincter, or LES. The LES relaxes during swallowing and thus aids the passage of food from the esophagus into the stomach. After food has entered the stomach, a normally functioning LES acts like a valve to prevent reflux or  
15 return of the stomach contents into the lower esophagus.

The esophagus is composed of four layers of tissue, the mucosa, the submucosa, the muscularis, and the serosa. The mucosa, or inner lining of the esophagus is a mucous membrane attached to a thin layer of visceral muscle. The submucosa consists of loose connective tissue that binds the mucosa to the  
20 muscularis. The submucosa is highly vascular and is important in controlling the secretion of the GI tract. The muscularis consists of smooth muscle that is generally found in two sheets: an inner ring of circular fibers and an outer sheet of longitudinal fibers. The serosa is a serous membrane composed of connective tissue and epithelium.

25 In one embodiment, the method of the present invention may be used to treat gastroesophageal reflux disease, or GERD. In this embodiment, the modifier may be injected within the submucosal layer of the esophagus, or at the interface of adjacent tissue planes between the mucosa and the submucosa.

In another embodiment, the modifier of the present invention may be  
30 injected into a submucosal tissue site that extends across, or is closely adjacent

to, the LES to optimize residual LES activity and to enhance any residual closing pressure of the LES. More particularly, the modifier may be injected into the submucosal esophageal folds of the lower esophagus to thicken the folds, resulting in their closer approximation within the lower esophagus. When the  
5 LES is in an open or relaxed state, the modifier allows food and liquid to pass through the esophagus. However, when the LES closes, the modifier increases the closing pressure along a sufficient axial length that, in cooperation with the contraction of the LES, it inhibits or prevents reflux of stomach contents. For example, in one embodiment, the injected modifier may increase the LES closing  
10 pressure from below about 16 mm Hg to about 18 to 30 mm Hg. In this manner, the modifier of the present invention acts as a valve-like mechanism in the esophagus when injected in the vicinity of the LES.

The precise positioning of the modifier relative to the LES depends largely on a patient's anatomy and the severity of the GERD. Depending on the  
15 degree of LES dysfunction, the modifier may be injected into a plurality of discrete submucosal tissue sites adjacent to, or in the vicinity of, the LES. In one embodiment, the modifier may be injected into two tissue sites on opposing sides of the lower esophagus. In another embodiment, the modifier may be injected circumferentially into a plurality of discrete tissue sites to modify the tissue  
20 around the LES. These embodiments may allow the esophagus to expand rapidly to permit food passage because the modifier is not connected between discrete sites. In an alternate embodiment, the modifier may be injected into the submucosal layer in the form of a continuous or discontinuous ring or mass around the esophagus.

25 In yet another embodiment, the present method may enhance or increase the competency of the valve-like function of the LES. After food has passed through the esophagus and entered the stomach, the stomach distends, causing the mucosal layer of the esophagus to stretch and slide into the stomach relative to the muscular layer. This downward longitudinal movement of the mucosa not  
30 only causes the mucosa to be more tightly apposed in the vicinity of the LES

(and the modifier), but also results in a downward and inward rotation of the modifier. This, in turn, pulls inwardly the muscle layers to enhance the valve-like function of the modifier. Thus, embodiments of the present invention may react to increasing pressure or distension in the stomach by enhancing or  
5 increasing the competency of the inhibiting function of the LES.

Almost any suitable PTFE-free biocompatible particle may be used in accordance with the present invention. In one embodiment, the particles or particulate material are generally made of a durable biocompatible material, for example, a ceramic such as zirconium or aluminum oxide, gold, titanium, silver,  
10 stainless steel, graphite, isotropic pyrolytic carbon, oxides, PTFE-free polymers, metal alloys and/or combinations thereof. In other embodiments, the particles may be carbon coated particulate substrates. Suitable particulate substrates generally include particles capable of accepting a carbon coating, such as the particles or particulate material described above. The particulate substrates may  
15 be carbon coated, for example, with pyrolytic carbon, vitreous carbon, diamond-like carbon or graphite by conventional techniques. Optionally, the particulate substrate may be radiopaque. In one embodiment, the particles include isotropic pyrolytic carbon coated onto a graphite or ceramic particulate substrate.

The atomic structure of pyrolytic and vitreous carbon is similar to  
20 graphite, but the alignment between hexagonal planes of atoms is not as well ordered as in graphite. Pyrolytic carbon is characterized by a more chaotic atomic structure and better bonding between layer planes. The carbon coating provides a relatively smooth surface for injection into a tissue site.

Pyrolytic carbon may be produced and coated onto particulate substrate  
25 surfaces by known methods. In one technique, hydrocarbons and alloying gases are decomposed to prepare a pyrolytic carbon coating on the particulate substrates. The particulate substrates are contacted with the hydrocarbons and alloying gases in a fluidized or floating bed at a temperature sufficient to cause deposition of pyrolyzed carbon onto the particulate substrate surfaces, typically  
30 from about 1200 to 1500°. Inert gas flow is used to float the bed of particulate

substrates, optionally including an inert mixing media. The hydrocarbon pyrolysis results in a high carbon, low hydrogen content carbon material being deposited as a solid layer of material onto the particulate substrates.

Alternatively, a carbon coating (sometimes referred to as “ultra-low-  
5 temperature isotropic carbon”) may be applied to particulate substrates using any one of other various coating processes for depositing carbon, such as a vacuum vapor deposition process. Such a method uses ion beams generated from any of a variety of known processes, such as the disassociation of CO<sub>2</sub>, reactive  
10 dissociation in vacuum of a hydrocarbon as a result of a glow discharge, sublimation of a solid graphite source, or cathode sputtering of a graphite source. Gold has been found to be an especially suitable particulate substrate for vacuum vapor deposited carbon. Other particulate substrates, including but not limited to nickel, silver, stainless steel, zirconium, graphite or titanium are also quite acceptable for this type of coating process.

15 Isotropic carbon may also be applied to temperature-sensitive substrates using physical vapor depositions techniques. Physical vapor deposition involves transferring groups of carbon atoms from a pyrolytic carbon target to a desired substrate at low temperatures. The process may be carried out in high-vacuum conditions to prevent chemical reaction. This technique may be suitable for  
20 coating a variety of substrates such as temperature-sensitive polymers and metal alloys.

The high strength, resistance to breakdown or corrosion, and durability of a coated carbon surface ensures effective, long term functioning of coated particles in tissue modifying applications. The established biocompatibility of  
25 carbon coatings such as pyrolytic and vitreous carbon coatings makes the described particles particularly suitable for tissue modifying applications. The particulate substrates may be completely encased by a carbon surface. This results in a uniformly coated particle with no substrate exposure on the surface of the particle. Preferred carbon coatings may be in the range of fractions of



thousandths of an inch, e.g., about one half of a thousands of an inch (0.0005 inches), on average, covering the surface of the particle substrate.

The particles, whether coated or uncoated, are preferably shaped and sized to provide enhanced passage through a hypodermic needle, while  
5 substantially remaining at the tissue site once injected. The shape and size of the injected particles may be varied to enhance the flow of the particles during injection. However, if the particles are too small, they can be engulfed by the body's white cells (phagocytes) and carried to distant organs or be carried away in the body's microvasculature system and travel until they reach a site of  
10 sufficient constriction to prevent further movement. The particles may range in size from 10 microns to 1,000 microns in average, transverse cross-sectional dimension, more particularly between 100 and 300 microns. The particles may be subjected to a cleaning, polishing and sieving process to remove contaminants, smooth the particle surface to a desired texture and to separate out  
15 particles of a size less than or greater than a desired size range.

The biocompatible particles are delivered to the tissue site in a suitable biocompatible carrier. Any biocompatible carrier that can deliver the particles to a tissue site may be used in accordance with the present invention. A carrier may be a biologically compatible solution. Examples of suitable carriers include  
20 solutions containing glucan, collagen, saline, dextrans, glycerol, polyethylene glycol, corn oil or safflower, other polysaccharides or biocompatible polymers, methyl cellulose, agarose, or combinations thereof. In certain embodiments, a curable polymer such as PMMA may be added to the carrier to provide additional stiffening characteristics. The viscosity of the carrier ranges between  
25 about 10 and 75,000 centipoise.

Solutions containing  $\beta$ -glucan and collagen are particularly suitable carriers for the present invention.  $\beta$ -glucan is a naturally occurring constituent of cell walls in essentially all living systems including plants, yeast, bacteria, and mammalian systems. Its effects and modulating actions on living systems have  
30 been reported by Abel et. al., "Stimulation of Human Monocyte B-glucan

Receptors by Glucan Particles Induces Production of TNF- $\alpha$  and IL-B," Int. J. Immunopharmacol., 14(8):1363-1373, 1992.  $\beta$ -glucan, when administered in experimental studies, elicits and augments host defense mechanisms including the steps required to promote healing, thereby stimulating the reparative

5 processes in the host system.  $\beta$ -glucan is removed from tissue sites through macrophagic phagocytosis or by enzymatic destruction by serous enzymes. The destruction or removal of  $\beta$ -glucan, as well as its available viscosity and lubricous nature, make it a useful carrier for the particles in tissue modifying applications.

10 Aqueous solutions of  $\beta$ -glucan may be produced that have favorable physical characteristics as a carrier for particles in tissue modifying applications. The viscosity can vary from a thin liquid to a firm, self-supporting gel. Irrespective of viscosity, the  $\beta$ -glucan solution has excellent lubricity, thereby creating a particle-carrier composition which is easily administered by delivery  
15 to a predetermined body site through a small bore needle. Useful  $\beta$ -glucan compositions include  $\beta$ -D-glucans containing 4-0-linked- $\beta$ -D-glycopyranosyl units and 3-0-linked- $\beta$ -D-glycopyranosyl units, or 5-0-linked- $\beta$ -D-glycopyranosyl units and 3-0-linked- $\beta$ -D-glycopyranosyl units. The carrier may be of sufficient viscosity to assure that the particles remain suspended therein, for  
20 a sufficient time duration to accomplish the injection procedure.

Collagen, another suitable carrier, is a naturally occurring protein that provides support to various parts of the human body, including the skin, joints, bone and ligaments. One suitable injectable collagen manufactured by the McGhan Medical Corporation, Santa Barbara, CA, and sold under the trade  
25 names ZYDERM and ZYPLAST, is derived from purified bovine collagen. The purification process results in a product similar to human collagen. Collagen solutions may be produced within a wide viscosity range to meet an individual patient's needs, and mixed with the particulate material for injection into a patient.

Another example of a suitable carrier material is a solution containing methyl cellulose or another linear unbranched polysaccharide. Further examples of appropriate carrier materials include agarose, hyaluronic acid, polyvinyl pyrrolidone or a hydrogel derivative thereof, dextran or a hydrogel derivative thereof, glycerol, polyethylene glycol, oil-based emulsions such as corn or safflower, or other polysaccharides or biocompatible organic polymers either singly or in combination with one or more of the above-referenced solutions.

The amount of particles in the modifier may be any amount that will provide a modifier that is flowable and injectable, and that will allow a desired amount of particles to be delivered to a tissue site. Amounts of particles in the tissue modifier can be in the range from about 5 to 85 percent by volume, more particularly from about 20 to 60 percent by volume, and most particularly from about 30 to 50 percent by volume.

In use, the modifier will typically be injected as a slurry, suspension, or emulsion, through a needle, into a tissue site. When deposited into a tissue site, the carrier may be carried away into the body and then be dispersed or degraded. It is preferred that some of the particles are substantially immobile upon delivery to a tissue site for modification. Particles used for tissue modifying according to the invention may be sufficiently immobile to be used for substantially permanent tissue modifying applications. If the particles tend to move at all after delivery to a tissue site, the particles generally will do so only along the path of the needle that was used to inject them.

The modifier may be delivered to a tissue site using any instrument or apparatus that can be used to inject an amount of particles, preferably contained or suspended in a carrier, through the skin or mucosa, to a desired submucosal tissue site in the lower esophagus. In one embodiment, a suitable apparatus or medical device includes a probe having an optical viewing device. A conventional or other suitable gastroscope or endoscope can be used as the probe. A needle assembly may be carried by the probe for injecting the modifier. A conventional syringe may also be used to introduce the modifier into the

needle. Optionally, two or more additional syringes may be employed for delivering other biocompatible solutions such as saline. The particular instrument used for delivery is not critical, provided that its components are compatible with the modifier.

5           In one embodiment, a distal end of the probe may be introduced through the mouth of the patient and down the esophagus to the vicinity of the tissue site to be treated. The optical viewing device assists a surgeon in advancing the probe. The needle is then introduced through the probe and advanced to the vicinity of the distal end of the probe. Under the guidance of the optical viewing  
10 device, the probe is maneuvered to a position above the portion of tissue to be treated. For example, the probe may be maneuvered to a location adjacent to, or in the vicinity of, the lower esophageal sphincter.

          The needle is then inserted into or between selected tissue planes, such as the mucosal or submucosal layers. Optionally, in one embodiment of the present  
15 invention, a biocompatible liquid such as saline may be first injected into the tissue plane to provide an enlarged cavity for injecting the modifier. The amount of injected liquid may range from 0.25 to 10 cc. The needle is then retracted and cleansed of the biocompatible liquid.

          The needle may then be primed with the modifier and reinserted into or  
20 between the desired tissue layer. Thereafter, a predetermined amount of modifier is slowly injected through the needle to the tissue site. In detectable embodiments, the modifier may be monitored during and after injection to ensure proper placement.

          In another embodiment, the apparatus reported in U.S. Patent Application  
25 Ser. No. 10/084,240, incorporated herein by reference, may be used to deliver embodiments of the present invention. The reported apparatus includes a syringe and a hypodermic needle having both linear and arcuate segments. The hypodermic needle is sufficiently rigid so as to maintain both the linear and arcuate segments, but retains a minimal amount of flexure to aide in the proper  
30 insertion and positioning of the needle into tissue.

The amount of particles introduced to modify the tissue can be any amount sufficient to modify the tissue site as desired. The amount delivered can vary depending on factors such as the size of the particles, the extent of necessary modification, the tissue condition to be treated and other factors particular to specific patients. Such factors will be within the skill of an artisan of ordinary skill in the medical arts, and such an artisan will be able to understand what is a useful amount of particles for delivery to lower esophagus tissue sites.

One characteristic of the modifier of the present invention is that it may be injected into tissue in incremental portions. In this manner, only the minimally necessary amount of modifier is added. This drastically reduces the possibility that the functionality of the esophagus will be adversely affected by the modifier. In certain embodiments, the modifier may include detectable, preferably radiopaque, particles. In these embodiments, the injected modifier may be viewed during or after the procedure to determine the location of the particles within the tissue, and the overall effect of the modifiers. If, after a first injection, the tissue is not sufficiently modified, precise amounts of additional modifier may be injected into the tissue site. The present invention may also be injected into a plurality of discrete tissue sites to modify the lower esophagus as desired.

This invention is not to be taken as limited to all of the details described above as modifications and variations thereof may be made without departing from the spirit or scope of the invention.

What is Claimed Is:

1. A method of modifying a lower esophagus of a patient comprising injecting a modifier comprising biocompatible PTFE-free particles and a biocompatible carrier into a submucosal tissue site of the lower esophagus of the patient.
2. The method of claim 1 wherein the submucosal tissue site is in the vicinity of a lower esophageal sphincter of the patient.
3. The method of claim 1 wherein the biocompatible particles comprise ceramic particles.
4. The method of claim 1 wherein the biocompatible particles comprise zirconium oxide particles.
5. The method of claim 1 wherein the biocompatible particles comprise PTFE-free polymer particles.
6. The method of claim 1 wherein the biocompatible particles have an exposed surface of carbon.
7. The method of claim 6 wherein the exposed surface of carbon comprises an exposed surface of isotropic pyrolytic carbon.
8. The method of claim 1 wherein the biocompatible particles comprise carbon coated ceramic particles.
9. The method of claim 1 wherein the biocompatible particles comprise graphite.

10. The method of claim 1 wherein the biocompatible particles comprise isotropic pyrolytic carbon coated zirconium oxide.
11. The method of claim 1 wherein the biocompatible particles comprise isotropic pyrolytic carbon coated graphite.
12. The method of claim 1 wherein the biocompatible particles comprise isotropic pyrolytic carbon coated polymer particles.
13. The method of claim 1 wherein the biocompatible particles have an average transverse cross-section dimension between about 10 and 1000 microns.
14. The method of claim 1 wherein the biocompatible particles have an average transverse cross-section dimension between about 80 and 300 microns.
15. The method of claim 1 wherein the biocompatible carrier is a liquid or a gel.
16. The method of claim 1 wherein the biocompatible carrier includes  $\beta$ -glucan or collagen.
17. The method of claim 1 wherein the modifier further comprises a curable polymeric substance.
18. The method of claim 1 wherein the modifier has a viscosity of between about 10 and 75,000 centipoise.

19. The method of claim 1 wherein the modifier comprises about 5 to 85 v/v percent biocompatible particles.
20. The method of claim 1 wherein the modifier comprises about 20 to 60 v/v percent biocompatible particles.
21. The method of claim 1 wherein the modifier comprises about 30 to 50 v/v percent biocompatible particles.
22. The method of claim 1 further comprising detecting the biocompatible particles.
23. The method of claim 22 wherein the detecting step occurs during the injecting step.
24. The method of claim 1 further comprising injecting a biocompatible liquid into the submucosal tissue site to provide an internal space for injecting the modifier.
25. A method of modifying a lower esophagus of a patient comprising injecting a modifier comprising biocompatible particles having an average transverse cross-sectional dimension greater than 100 microns and a biocompatible carrier into a submucosal tissue site of the lower esophagus of the patient.
26. A method of treating gastroesophageal reflux disease comprising injecting an effective amount of a modifier comprising biocompatible PTFE-free particles having a biocompatible carrier into a submucosal tissue site of a lower esophagus of a patient to inhibit reflux of stomach contents into the esophagus.



27. The method of claim 26 wherein the submucosal tissue site is in the vicinity of a lower esophageal sphincter of the patient.

28. The method of claim 26 wherein the submucosal tissue site comprises an esophageal fold of the lower esophagus.

29. The method of claim 26 comprising injecting the modifier into a plurality of discrete submucosal tissue sites in the vicinity of a lower esophageal sphincter of the patient.

30. The method of claim 29 wherein the plurality of submucosal tissue sites comprise a plurality of esophageal folds of the lower esophagus.

31. The method of claim 29 wherein the plurality of submucosal tissue sites are circumferentially disposed around the lower esophagus.

32. The method of claim 26 further comprising injecting an additional amount of modifier into the submucosal tissue site to further inhibit reflux of stomach contents into the esophagus.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/05691

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61P1/04 A61F2/08 A61F2/20 A61L27/40 A61L31/12

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61F A61L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

CHEM ABS Data, EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	SHAFIK A.: "Intraesophageal Polytef injection for the treatment of reflux esophagitis" SURG. ENDOSC., vol. 10, 1996, pages 329-331, XP009012297 cited in the application	25
Y	*entire document*	1-24, 26-32
Y	--- US 5 792 478 A (KLEIN DEAN ET AL) 11 August 1998 (1998-08-11) column 6, line 28 - line 35	1-32
Y	--- WO 01 19287 A (ADVANCED UROSCIENCE INC) 22 March 2001 (2001-03-22) page 16, line 11 - line 21 --- -/--	1-32

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

\* Special categories of cited documents :

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&amp;\* document member of the same patent family

Date of the actual completion of the international search

20 June 2003

Date of mailing of the international search report

27/06/2003

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

Internationa Application No

PCT/US 03/05691

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, A	DEVIERE J. ET AL: "Endoscopic implantation of a biopolymer in the lower esophageal sphincter for gastroesophageal reflux: a pilot study" GASTROINTESTINAL ENDOSCOPY, vol. 55, no. 3, March 2002 (2002-03), pages 335-341, XP009012280 *abstract* ---	1-32
A	RUPP T. H. ET AL: "Endoscopic antireflux techniques" GASTROINTESTINAL ENDOSCOPY CLINICS OF NORTH AMERICA, vol. 4, no. 2, 1994, pages 353-368, XP009012293 cited in the application page 355 -page 357 ---	1-32
Y	WO 02 13876 A (CARBON MEDICAL TECHNOLOGIES) 21 February 2002 (2002-02-21) page 14, line 31 -page 15, line 11 claims 1-11 -----	22,23

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-24, 26-32

A METHOD OF MODIFYING A LOWER ESOPHAGUS OF A PATIENT OR TREATING GASTROESOPHAGEAL REFLUX COMPRISING INJECTING A MODIFIER COMPRISING BIOCOMPATIBLE PTFE-FREE PARTICLES AND A BIOCOMPATIBLE CARRIER INTO A SUBMUCOSAL TISSUE SITE OF THE LOWER ESOPHAGUS OF THE PATIENT.

2. Claim : 25

A METHOD OF MODIFYING A LOWER ESOPHAGUS OF A PATIENT COMPRISING INJECTING A MODIFIER COMPRISING BIOCOMPATIBLE PARTICLES HAVING AN AVERAGE TRANSVERS CROSS-SECTIONAL DIMENSION GREATER THAN 100 MICRONS AND A BIOCOMPATIBLE CARRIER INTO A SUBMUCOSAL TISSUE SITE OF THE LOWER ESOPHAGUS OF THE PATIENT.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 03/05691

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/05691

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5792478	A	11-08-1998	CA 2260048 A1	15-01-1998
			EP 0918498 A1	02-06-1999
			JP 2000515134 T	14-11-2000
			WO 9801088 A1	15-01-1998
<hr/>				
WO 0119287	A	22-03-2001	US 6277392 B1	21-08-2001
			EP 1217970 A1	03-07-2002
			JP 2003509114 T	11-03-2003
			WO 0119287 A1	22-03-2001
<hr/>				
WO 0213876	A	21-02-2002	US 6394965 B1	28-05-2002
			EP 1309356 A2	14-05-2003
			WO 0213876 A2	21-02-2002
			US 2002082517 A1	27-06-2002
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